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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,469	09/11/2003	Thomas E. Sawyer	4876-001(026066-00006)	6832
22429	7590	11/29/2006	EXAMINER	
LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,469

Applicant(s)

SAWYER, THOMAS E.

Examiner

Kim T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 12-14 and 16-51 is/are pending in the application.  
4a) Of the above claim(s) 28 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 12-14, 16-27 and 29-51 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 8/24/06. According to the amendment, claims 2-11 and 15 have been canceled, claims 29-51 have been added, claim 28 has been withdrawn from consideration, claims 1, 12-14, 16-27 and 29-51 are examined in this office action, and claims 1, 12-14 and 16-51 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 12-14, 16-27 and 29-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta et al (US 2003/0094761) in view of Gold et al (US 6,994,624), Goldman (US 5,997,002) and Guidi (US 5,839,732).**

Claim 1: Furuta discloses a method for playing a card game. The method comprises receiving a card game ante and an auxiliary play ante from each of the player, the card game ante indicates participation in the card game and the auxiliary play ante indicates participation in the auxiliary play, the auxiliary play is base on the hand of the respective player in the card game, the auxiliary play comprises a bonus prize corresponding to each hand having four loyal cards including any four of an ace, a king, a queen, a jack, and a ten of the same suit (paragraph 0022); dealing at least

one card from a deck of cards to the player (paragraph 0024); receiving a selection from each player whether to wager in a first round, taking a first wager from the player who selects to wager in the first round (paragraph 0027), and awarding a bonus prize to the player (paragraph 0035). Furuta does not disclose playing a standard poker game having at least five cards per hand wherein a card game payout is determined regardless of a dealer hand; awarding a prize corresponding to each hand having four loyal cards out of the at least five cards; taking the card game ante, the auxiliary play ante and removing the player from the card game and the auxiliary game who selects not to wager in the first round; and taking the card game ante, the auxiliary play ante, the first wager and removing the player from the card game and the auxiliary game who selects not to wager in the second round. However, Gold discloses a standard poker game including at least five cards per hand wherein a card game payout is determined regardless of a dealer hand; awarding a prize corresponding to each hand having four loyal cards out of the at least five cards (col. 2, lines 22-25 and col. 4, lines 3-5 and 9-11); Goldman discloses taking auxiliary play ante (side bet antes) if the player decide to fold (col. 4, lines 9-10); and Guidi discloses taking a second wager (col. 6, lines 31-33), taking the card game ante and the first wager and removing the player from the card game and the auxiliary game who selects not to wager in the second round (col. 6, lines 3-5 and 27-29). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the card game of Furuta with the standard poker game having five cards for each hand in which the payout is determined regardless of the dealer hand as taught by Gold, to take the ante

wagers from the player as suggested by Goldman, and to place the player out of the game if he decides to fold as taught by Guidi in order to allow the player to play a traditional poker game and to facilitate checking hands and determining awards for winners who participates in the game.

Claims 12-14: Guidi discloses dealing two cards down and one card up (box 62 in Fig. 2) (col. 5, lines 58-63); then dealing one card up (box 66 in Fig. 2) (col. 6, lines 16- 18); then one card to each player (box 70 in Fig. 2) (col. 6, lines 38-40).

Claims 16, 26: refer to discussion in claim 1 above.

Claims 17-25, 27: playing a poker game on a slot machine gaming terminal, implementing an input device, a processor, and a display in a video game machine for interactive play on the game machine, and implementing a server such as personal computer, mainframe computer, etc. on the network such as internet or intranet network, coupling gaming machines such as personal computer, PDA, etc. via wire or wireless connection would have been old and well known to a person of ordinary skill in the art at the time the invention was made.

Claims 29-30: Gold discloses determining and awarding the card game payout based on a predetermined payout table (col. 3, lines 19; and col. 4, lines 3-5).

Claim 31: Furuta discloses dealing a representation of a card (paragraph 0021).

Claims 32-33, 37-51: refer to discussion in claims 1, 17-25, 27 and 29-31 above.

Claim 34: Furuta discloses a regular standard deck of cards (paragraph 0016).

Claim 35: Furuta discloses a regular standard deck of cards including 52 cards and further comprising at least one joker (paragraph 0017).

Claim 36: determining the poker game payout based on the wager would have been well known to a person of ordinary skill in the art at the time the invention was made.

***Response to Arguments***

3. Applicant's arguments on 8/24/06 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Art Unit: 3714

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

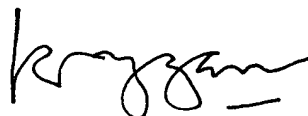
(571) 273-8300, (for formal communications; please mark  
"EXPEDITED PROCEDURE")

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

kn

Date: November 25, 2006



Kim Nguyen  
Primary Examiner  
Art Unit 3713